

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

The proposed amendments allow individuals claiming to be United States citizens to:

- Have their citizenship and identity verified through a data match with the Social Security Administration for the purposes of qualifying for Medicaid instead of through production of documentation such as a birth certificate and a government-issued photo identification; and
- Receive Medicaid benefits for a period of 90 days while the Department is awaiting confirmation of their citizenship and identity.

Documentation of citizenship and identity has been required for Medicaid eligibility since implementation of the Deficit Reduction Act of 2005, Public Law 109-171. This requirement has posed a barrier to many United States citizens who for various reasons are unable to produce copies of satisfactory documentation. As of October 2009, almost 14,000 Iowans had Medicaid benefits denied or canceled for failure to verify citizenship but subsequently gained or regained Medicaid eligibility when satisfactory documentation was finally obtained. More than 22,000 Iowans whose Medicaid benefits were denied or canceled for this reason remained ineligible.

In order to address this issue, the Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA), Public Law 111-3, authorizes states to verify individuals’ citizenship through an automated data match with the Social Security Administration. Other provisions of this legislation require states to approve Medicaid eligibility for a “reasonable period” for persons who meet all other requirements while proof of their citizenship and identity is pending.

The Social Security Administration estimates that 90 percent of requests for citizenship verification will be substantiated through the data match. These amendments provide that persons whose citizenship is not substantiated through this process will have 90 days to resolve the inconsistency in the records that prevents the match or to provide other satisfactory proof of citizenship and identity.

These amendments do not provide for waivers in specified situations because the amendments benefit the persons affected. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before March 16, 2010. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 249A.3 and Public Law 111-3.

The following amendments are proposed.

ITEM 1. Amend paragraph **75.11(2)“c”** as follows:

c. Except as provided in paragraph “f,” applicants or members for whom an attestation of United States citizenship has been made pursuant to paragraph “b” shall present satisfactory documentation of citizenship or nationality as defined in paragraph “d” ~~or “e.”~~ “d,” “e,” or “i.” A reference to a form in paragraph “d” or “e” includes any successor form. An applicant or member shall have a reasonable period to obtain and provide ~~proof~~ required documentation of citizenship or nationality.

(1) For the purposes of this requirement, the “reasonable period” begins on the date a written request ~~to obtain and provide proof~~ for documentation or a notice pursuant to subparagraph 75.11(2) “i”(2) is issued to an applicant or member, whichever is later, and continues ~~to the date when the proof is provided or the date when the department establishes that the applicant or member is no longer making a good-faith effort to obtain the proof, whichever is earlier~~ for 90 days.

(2) Medicaid eligibility shall be approved for new applicants and continue for members during the reasonable period not previously required to provide documentation of citizenship or nationality until the end of the reasonable period to obtain and provide required documentation of citizenship or nationality. However, ~~the receipt of Medicaid shall not be approved for applicants until acceptable documentary evidence is provided.~~ or HAWK-I benefits pending documentation of citizenship or nationality is limited to one reasonable period of up to 90 days under either program for each individual. Medicaid shall not be approved for an applicant or continued for a member who has already received benefits during a reasonable period until satisfactory documentation is provided.

(3) ~~A reference to a form in paragraph “d” or “e” includes any successor form.~~ Retroactive eligibility pursuant to 441—subrule 76.5(1) is available only after documentation of citizenship or nationality has been provided pursuant to paragraph “d,” “e,” or “i.” The retroactive months are outside the “reasonable period” during which Medicaid coverage may be provided without required documentation of citizenship or nationality.

ITEM 2. Adopt the following **new** paragraph **75.11(2)“i”**:

i. In lieu of a document listed in paragraph “d” or “e,” satisfactory documentation of citizenship or nationality may also be presented pursuant to this paragraph.

(1) Provision of an individual’s name, social security number, and date of birth to the department shall constitute satisfactory documentation of citizenship and identity if submission of the name, social security number, and date of birth to the Social Security Administration produces a response that substantiates the individual’s citizenship.

(2) If submission of the name, social security number, and date of birth to the Social Security Administration does not produce a response that substantiates the individual’s citizenship, the department shall issue a written notice to the applicant or member giving the applicant or member 90 days to correct any errors in the name, social security number, or date of birth submitted, to correct any errors in the Social Security Administration’s records, or to provide other documentation of citizenship or nationality pursuant to paragraph “d” or “e.”